

# Notice of Allowability

Application No.

09/744,167

Examiner

Michael Borin

Applicant(s)

WRANA, JEFFREY L

Art Unit

1631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed.
2. ☒ The allowed claim(s) is/are 6-8,13,14,16-18 and 23.
3. ☒ The drawings filed on 01/19/2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 07/30/2002
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.



Michael Borin, Ph.D.  
Primary Examiner  
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### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mary L. Miller on 10/23/2004.

The application has been amended as follows:

Cancel claims 1-5,9-12,15,19-22, 24-44.

Amend claims 6,7,8,23 as follows.

6. An isolated polynucleotide comprising a nucleotide sequence encoding a SARA protein ~~The isolated polynucleotide of claim 1,~~ wherein the nucleotide sequence is selected from the group consisting of

(a) a nucleotide sequence encoding the amino acid sequence of Sequence ID NO:2; and

(b) a nucleotide sequence encoding the amino acid sequence of Sequence ID NO:4; and

~~(c) a nucleotide sequence encoding the amino acid sequence of Sequence ID NO:6;~~

~~(d) a nucleotide sequence encoding the amino acid sequence of Sequence ID NO:8; and~~

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~~—— (e) —— a nucleotide sequence encoding a SARA protein and capable of hybridising to a sequence complementary to the nucleotide sequence of any of (a) to (d) under stringent hybridisation conditions.~~

7. The isolated polynucleotide of claim 46 comprising the nucleotide sequence of Sequence ID NO:1 or a degeneracy equivalent thereof.

8. The isolated polynucleotide of claim 46 comprising the nucleotide sequence of Sequence ID NO:3 or a degeneracy equivalent thereof.

23. ~~The protein of claim 22~~ An isolated SARA protein comprising the amino acid sequence of Sequence ID NO:2 or Sequence ID NO:4.

### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Claims 1-5,9-12,19-22, 24-44 are allowable in view of amendment to the claims which limit the scope of the invention to human SARA proteins of SEQ ID NOs:2 and 4 and nucleic acids encoding thereof. A diligent search of electronic patent and scientific literature databases revealed no prior art teaching the compounds of the structure recited in the claims. The procedures outlined in the specification provide a clear guidance on how to make and use the claimed invention.


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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Borin whose telephone number is (571) 272-0713. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on (571) 272-0722. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 Michael Borin, Ph.D.  
Primary Examiner